

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 5/24/2012

Action Requested By:  
Community  
Development

Agenda Item Type  
Resolution

Subject Matter:

Modification of Agreement between the City of Huntsville and Family Services Center, Inc. for use of HOME Investment Partnership funds.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify contract with Family Services Center Inc., to extended contract completion date and modify cost categories.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

To extend construction and homeownership completion dates, and modify cost categories. No additional funds are involved.

Associated Cost: 0

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 5/16/12

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Community Development

Council Meeting Date: 5/24/2012

Department Contact: Ken Benion

Phone # 256-427-5427

Contract or Agreement: Contract

Document Name: Modification No. 3 to resolution No. 09-709

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

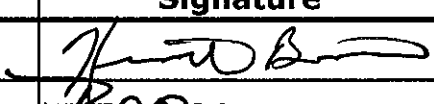
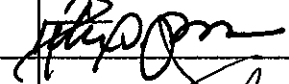
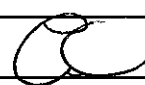
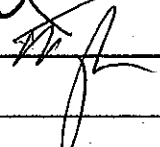
Account Number:

## Procurement Agreements

<u>Select...</u>	<u>Select...</u>
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## Grant-Funded Agreements

<b>Federal HUD</b>	<b>Grant Name:</b> <u>HOME Investment Partnership Grant</u>
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Department	Signature	Date
1) Originating		<u>5/16/12</u>
2) Legal		<u>5.17.12</u>
3) Finance 		<u>5/17</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

RESOLUTION NO. 12-\_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville is hereby authorized, requested and directed to enter into Modification No. 3 to the Agreement between the City of Huntsville, Alabama and Family Services Center, Inc., as adopted by Resolution No. 09-709 on July 30, 2009, and modified by Resolution 10-534 and modified by Resolution 11-629, said modification being substantially similar in words and figures to that document identified as "Modification No. 3 to the Agreement Between the City of Huntsville and Family Services Center dated July 30, 2009 adopted and approved by the City Council of the City of Huntsville by Resolution No. 09-709 and modified by Resolution No. 10-534 and by Resolution No. 11-629 for HOME grant funds." consisting of three (3) pages, and the date of May 24, 2012, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville.

ADOPTED this the 24th day of May, 2012.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

APPROVED this the 24th day of May, 2012.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA )

COUNTY OF MADISON )

**Modification No. 3 to the  
Agreement Between the City of  
Huntsville and Family Services  
Center dated July 30, 2009 adopted  
and approved by the City Council of  
the City of Huntsville by Resolution  
No. 09-709 and modified by  
Resolution No. 10-534 and by  
Resolution No. 11-629 for HOME  
grant funds**

**CONTRACT MODIFICATION NO. 3**

THIS MODIFICATION No. 3 IS MADE TO THE AGREEMENT entitled "Agreement between L.I.F.T. Housing, Inc., now known as Family Services Center, Inc. and the City of Huntsville for the use of HOME Investment Partnership Funds" as referenced above and is entered into on this the 24th day of May 2012, by and between the CITY OF HUNTSVILLE, Alabama (City) and FAMILY SERVICES CENTER, an Alabama non-profit organization, being the surviving Corporation resulting from a merger with LIVING IN FAMILY TRANSITION HOUSING OR L.I.F.T. (Agency).

**WITNESSETH**

**WHEREAS**, the City has previously been awarded HOME Investment Partnership funds from the United States Department of Housing and Urban Development (HUD); and

**WHEREAS**, the City and the Agency previously entered into an agreement dated July 30, 2009, wherein the City passed along a portion of the said grant funds to the Agency for expenditure according to the terms of the said grant; and

**WHEREAS**, the said Agreement was adopted and approved by the City Council of the City of Huntsville by Resolution No. 09-709; and

**WHEREAS**, the parties have previously modified the said Agreement pursuant to Resolutions No. 10-534 and No. 11-629; and

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**President of the City Council of the  
City of Huntsville, Alabama  
Date: May 24, 2012**

**WHEREAS**, the parties desire to amend the said Agreement for the purpose of increasing the Time of Performance and modifying the budget.

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows:

1. Part I, Section 2, "Time of Performance", shall be modified from ..." Construction Completion Date of March 30, 2012" ... to "Construction Completion Date of July 31, 2012".
2. Part I, Section 2, "Time of Performance", shall be modified from "Project Home Ownership Completed July 31, 2012" ... to "Project Home Ownership Completed December 31, 2012".
3. The Cost Categories previously made a part of the Agreement shall be deleted and replaced in its entirety with the following as Part I, Section 5 of the Agreement:

Lots	40,728.04
Construction	474,743.51
Legal & Professional Services	1,899.84
Contingency	32,105.15
Fees	4,359.46
<b>Total Construction</b>	<b>\$553,836.00</b>

Developers Fee	55,384.00
<b>Total Projected Cost</b>	<b>\$609,220.00</b>

*This schedule is subject to change by mutual agreement of both parties in writing by formal modification to the Agreement.*

4. All other terms and conditions of this Agreement remain unchanged and in full force and effect.

**[Signatures follow on the next page.]**

**IN WITNESS WHEREOF**, the parties hereto have entered into this agreement, consisting of this page and one (1) preceding page, on May 24, 2012.

**THE CITY OF HUNTSVILLE, ALABAMA**

**ATTESTED:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor Tommy Battle

Date: \_\_\_\_\_

**Family Services Center an Alabama  
Non-Profit Corporation**

**ATTESTED:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_